

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JAMES GILMORE, JR.,

Petitioner,

VS.

WARDEN JERRY FERRELL, et al.,

Respondents.

CIVIL ACTION NO. 2:06-1433-RDP-RRR

MEMORANDUM OPINION

This is a habeas corpus petition. The magistrate judge entered a report and recommendation recommending that Respondents' motion for summary judgment be granted and the action dismissed. No objections have been filed. The court has considered the entire file in this action, including the report and recommendation, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved.

Accordingly, the court hereby **ADOPTS** and **APPROVES** the findings and recommendation of the magistrate judge as the findings and conclusions of the court. This habeas petition is due to be dismissed without prejudice. An appropriate order will be entered.

DONE and **ORDERED** this 4th day of June, 2007.

20 pm

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE